

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated September 3, 2008. Reconsideration and allowance are requested.

Claims 6-10, 24-25, 27, and 33 remain in this application. Claims 1-5, 11-23, 26, and 28-32 were previously canceled.

Claim Rejection under 35 USC 103

In the Office Action, claims 6-10, 24-25, 27, and 33 were rejected under 35 USC § 103(a) as being unpatentable over Berezin et al (US 5,539,752) in view of Stephan et al (US 6,388,001 B1), further in view of Nishimura et al (US 5,761,337), further in view of Kumagai (US 5,394,481), further in view of Jarvis et al (US 6,297,644 B1) and still further in view of Baker (US 5,226,118). Counsel for assignee respectfully traverses.

Although counsel for assignee does not believe that claims 6-10, 24-25, 27, and 33 are obvious under the cited references for the reasons provided in the previous response to Office Action dated June 10, 2008, in an effort to expedite prosecution claims 6-10, 24-25, 27, and 33 have been amended to be further distinguishable over the cited references. Specifically, claims 6-10, 24-25, 27, and 33 have been amended so that the step of classifying the extracted defect candidate images into a first category relating to defect types based on a visual appearance of the defect candidate is done by using "a tabular form classification rule in which each class is defined by a combination of said calculated defect information."

Support for this amendment can be found throughout the originally filed application including page 14 line 21 through page 15 line 20 and FIG. 14 of the originally filed specification. None of the cited references disclose the newly added limitation of classifying defects using "a tabular form classification rule in which each class is defined by a combination of said calculated defect information." For example, although FIG. 5 of Steffan et al., FIG. 3 of Nishimura and FIGS. 6 and 7 of Kikuchi disclose tables, the tables disclosed are significantly different than the tabular form classification rule recited in the claims. Since none of the cited

references, either alone or in combination, disclose such a limitation, the references can not be combined to teach each and every element of the claimed invention.

Therefore, counsel for assignee believes that all of the pending claims are patentable over the cited references. Counsel for assignee respectfully requests that the claims be examined in light of these amendments and remarks.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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